

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARLYN J. EASTMAN, Personal
Representative Of The Estate Of The
Deceased, and LINO LOWELL
SPOTTED ELK JR., Deceased,

Plaintiffs,

V.

SHERIDAN, COUNTY OF, A Nebraska
Political Subdivision, LEVI MCKILLET,
In His Individual And Official Capacity,
and DOES 1-5, In Their Individual And
Official Capacities,

Defendants.

7:07CV5004

ORDER

Before the court is the Report and Recommendation of United States Magistrate Judge Thomas D. Thalken, Filing No. 38. No objection has been filed to the Report and Recommendation. Pursuant to NECivR 72.3 and 28 U.S.C. § 636(b)(1)(C), the court has conducted a de novo review of the record and adopts the Report and Recommendation in its entirety.

THEREFORE, IT IS HEREBY ORDERED that:

1. The Report and Recommendation, Filing No. 38, is adopted in its entirety;
2. The defendants' Rule 12 Motion to Strike, Make More Definite and Certain, or Dismiss (Filing No. 20) is granted in part and denied in part as set forth in the magistrate's Report and Recommendation.

DATED this 16th day of July, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge